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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Merrick R. Almond, et al.  
Appln. No. : 09/585,166  
Filed : June 1, 2000

T.C/A.U. : 1744  
Examiner : David A. Redding

Docket No. : 04674.105064 (Tri1010)  
Customer No. : 20786

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 10, 2005

**PETITION UNDER 37 C.F.R. § 3.81(b)**

Sir:

Applicants hereby petition under 37 C.F.R. §3.81(b) to correct the assignee data listed on the front page of the above-referenced patent application in which the issue fee was paid July 5, 2005.

The assignee listed on the Form PTOL-85 filed with the payment of the issue fee is Gilead Sciences, Inc. of Foster City, California. In addition to Gilead Sciences, Altus Biologics, Inc. should have been listed as an assignee.

The application is filed by Merrick R. Almond, Yiming Yao and Yi Fong Wang. Merrick R. Almond has assigned his rights in the invention to Triangle Pharmaceuticals, Inc., which was acquired by Gilead Sciences, Inc. and Yiming Yao and Yi Fong Wang have assigned their rights to Altus Biologics, Inc. Assignments by Merrick R. Almond, Yiming Yao, Yi Fong Wang and

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this Correspondence, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

10-11/05  
Date

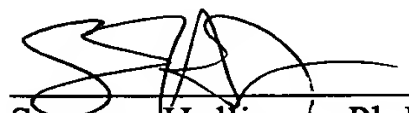
Susanne Hollinger

Application No. 09/585,166  
Paper dated October 10, 2005  
Petition to Correct Assignees Listed on Form PTOL-85

Triangle Pharmaceuticals have been recorded in this file. Copies of the assignment documents are enclosed.

The Commissioner for Patents is hereby authorized to debit the petition fee, as well as any additional fees associated with this paper to Deposit Account No. 11-0980.

Respectfully submitted,



Susanne Hollinger, Ph.D.  
Reg. No. 51,811

King & Spalding, LLP  
45<sup>th</sup> Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
404.572.4600

## ASSIGNMENT

WHEREAS, I, MERRICK R. ALMOND, have invented certain improvements in "Non-homogeneous Systems for the Resolution of Enantiomeric Mixtures" for which we have executed United States application no. 09/585,166 which was filed on June 1, 2000; and

WHEREAS, TRIANGLE PHARMACEUTICALS, INC., a Delaware corporation having an office at 4 University Place, 4611 University Drive, Durham, North Carolina, 27707, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by TRIANGLE PHARMACEUTICALS, INC., the receipt and sufficiency of which are hereby acknowledged, I, MERRICK R. ALMOND, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto TRIANGLE PHARMACEUTICALS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

**BEST AVAILABLE COPY**

04676.105060

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1<sup>st</sup> day of March, 2001.

  
MERRICK R. ALMOND

On this 1<sup>st</sup> day of March, 2001, before me, a notary public, came Merrick Almond, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.

  
Notary Public Laura G. Bronski

(SEAL)

My commission expires: 4-22-2002

BEST AVAILABLE COPY

PCT  
ASSIGNMENT

I/We,

(1) YIMING YAO,

and

(2) YI FONG WANG,

residing, respectively, at

(1) 27 Cottage Place, Newton, MA 02465-1525,

and

(2) 17 Skyview Road, Lexington, MA 02420,

for good and valuable consideration, receipt of which is hereby acknowledged, have assigned, sold and transferred to, and do hereby assign, sell and transfer to ALTUS BIOLOGICS INC., a corporation organized and existing under the laws of the Commonwealth of Massachusetts and having an office and a place of business at 625 Putnam Avenue, Cambridge, Massachusetts (U.S.A.) 02139-4211, its successors and assigns: (1) the entire right, title and interest in all countries throughout the world in and to any and all my/our inventions and discoveries disclosed in my/our International Patent Application, filed under the Patent Cooperation Treaty in the United States Receiving Office (RO/US), entitled: NON-HOMOGENEOUS SYSTEMS FOR THE RESOLUTIONS OF ENANTIOMERIC MIXTURES and designating Albania (AL), Armenia (AM), Australia (AU), Austria (AT), Azerbaijan (AZ), Barbados (BB), Belarus (BY), Belgium (BE), Benin (BJ), Bosnia and Herzegovina (BA), Brazil (BR), Bulgaria (BG), Burkina Faso (BF), Cameroon (CM), Canada (CA), Central African Republic (CF), Chad (TD), China (CN), Congo (CG), Côte d'Ivoire (CI), Croatia (HR), Cuba (CU), Cyprus (CY), Czech Republic (CZ), Democratic People's Republic of Korea (KP), Denmark (DK), Dominica (DM), Estonia (EE), Finland (FI), France (FR), Gabon (GA), Gambia (GM), Georgia (GE), Germany (DE), Ghana (GH),

Greece (GR), Grenada (GD), Guinea (GN), Guinea-Bissau (GW), Hungary (HU), Iceland (IS), India (IN), Indonesia (ID), Ireland (IE), Israel (IL), Italy (IT), Japan (JP), Kazakhstan (KZ), Kenya (KE), Kyrgyzstan (KG), Latvia (LV), Lesotho (LS), Liberia (LR), Liechtenstein (LI), Lithuania (LT), Luxembourg (LU), Madagascar (MG), former Yugoslav Republic of Macedonia (MK), Malawi (MW), Mali (ML), Mauritania (MR), Mexico (MX), Monaco (MC), Mongolia (MN), Netherlands (NL), New Zealand (NZ), Niger (NE), Norway (NO), Poland (PL), Portugal (PT), Republic of Korea (KR), Republic of Moldova (MD), Romania (RO), Russian Federation (RU), Saint Lucia (LC), Senegal (SN), Sierra Leone (SL), Singapore (SG), Slovakia (SK), Slovenia (SI), South Africa (ZA), Spain (ES), Sri Lanka (LK), Sudan (SD), Swaziland (SZ), Sweden (SE), Switzerland (CH), Tajikistan (TJ), Tanzania (TZ), Togo (TG), Trinidad and Tobago (TT), Turkey (TR), Turkmenistan (TM), Uganda (UG), Ukraine (UA), United Arab Emirates (AE), United Kingdom (GB), United States of America (US), Uzbekistan (UZ), Viet Nam (VN), Yugoslavia (YU), and Zimbabwe (ZW), [subsequently identified as International Patent Application \_\_\_\_\_, filed \_\_\_\_\_\*], including any renewals, revivals, reissues, reexaminations, extensions, continuations and divisions thereof, and any substitute applications therefor; (2) the full and complete right to file patent applications in the name of ALTUS BIOLOGICS INC., its designee, or in my/our names at ALTUS BIOLOGICS INC., or its designee's election, on the aforesaid inventions, discoveries and applications in all countries of the world; (3) the entire right, title and interest in and to any Letters Patent which may issue on the aforesaid inventions, discoveries and applications in any country of the world and any renewals, revivals,

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\* I/We hereby authorize ALTUS BIOLOGICS INC. and its representatives to insert in this instrument the International Patent Application number and the filing date of said application when ALTUS BIOLOGICS INC. is officially notified thereof.

reissues, reexaminations and extensions thereof, and any patents of confirmation, registration and importation of the same; and (4) the entire right, title and interest in and to all Convention and Treaty Rights of all kinds thereon, including without limitation all rights of priority in any country of the world, in and to the following priority application(s):

<u>60/103,804</u>	<u>U.S.A.</u>	<u>09 October 1998</u>
application no.	country	filing date

and all rights of priority in any country of the world deriving from the above-identified International Patent Application.

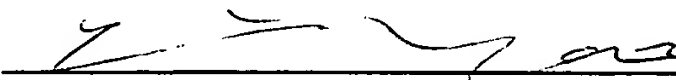
I/We hereby authorize and request the competent authorities to grant and to issue any and all such Letters Patent in any country throughout the world to ALTUS BIOLOGICS INC. as the assignee of the entire right, title and interest therein, as fully and entirely as the same would have been held and enjoyed by me/us had this assignment, sale and transfer not been made.

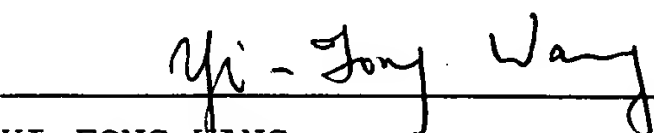
I/We agree, at any time, upon the request of ALTUS BIOLOGICS INC. to execute and to deliver to ALTUS BIOLOGICS INC. any additional applications for patents for said inventions and discoveries, or any part or parts thereof, and any applications for patents of confirmation, registration and importation based on any Letters Patent issuing on said inventions, discoveries or applications, and divisions, continuations, renewals, revivals, reissues, reexaminations and extensions thereof.

I/We further agree, at any time, upon request of ALTUS BIOLOGICS INC. to execute and to deliver to ALTUS BIOLOGICS INC. such additional documents, if any, as are necessary or desirable to secure patent protection on said inventions, discoveries and applications throughout all countries of the world, and otherwise to do the necessary to give full effect to and to perfect any and all rights

of ALTUS BIOLOGICS INC. under this Assignment, including the execution, delivery and procurement of any and all further documents evidencing this assignment, transfer and sale as may be necessary or desirable.

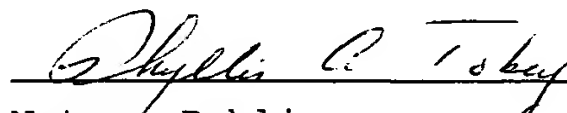
ASSIGNORS:

 (1)  
YIMING YAO

 (2)  
YI FONG WANG

On this 1<sup>st</sup> day of October, 1999  
YIMING YAO (1)

personally appeared before me, a Notary Public in and for the Commonwealth of Massachusetts, and executed the foregoing Assignment and duly acknowledged to me that such Assignment was executed for the uses and purposes therein expressed.

  
Notary Public

(Notarial seal)

PHYLLIS A. TOBEY  
Notary Public  
My Commission Expires May 8, 2003



On this 29<sup>th</sup> day of October, 1999  
YI FONG WANG Yi-Fong Wang (2)  
personally appeared before me, a Notary Public in and for  
the Commonwealth of Massachusetts, and executed the  
foregoing Assignment and duly acknowledged to me that such  
Assignment was executed for the uses and purposes therein  
expressed.

Phyllis A. Tobey  
Notary Public


(Notarial seal)

PHYLLIS A. TOBEY  
Notary Public  
My Commission Expires May 8, 2003

ACKNOWLEDGEMENT OF ASSIGNEE:

I hereby acknowledge the foregoing executed Assignment on  
behalf of ALTUS BIOLOGICS INC.

ALTUS BIOLOGICS INC.

By:   
Peter Lanciano  
President

On this 1<sup>st</sup> day of October, 1999,  
Peter Lanciano personally appeared before me, a Notary  
Public in and for the Commonwealth of Massachusetts, and  
duly acknowledged the executed Assignment on behalf of the  
Assignee.

Sarah P. Cecil  
Notary Public

(Notarial seal)